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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,318	07/20/2006	Tiziano Barea	GIA030-237821	9279

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WOLF, BLOCK, SHORR AND SOLIS-COHEN LLP  
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NEW YORK, NY 10177

EXAMINER
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STAFIRA, MICHAEL PATRICK

ART UNIT	PAPER NUMBER
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2886

NOTIFICATION DATE	DELIVERY MODE
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08/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@WOLFBLOCK.COM

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/597,318	BAREA, TIZIANO	
	<b>Examiner</b>	<b>Art Unit</b>	
	/Michael P. Stafira/	2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/11/07;7/20/06</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohsawa ('958).

#### **Claim 1**

Ohsawa ('958) discloses at least one light emitter element (Fig. 4, Ref. 54) and at least one receiver element (Fig. 4, Ref. 56), said emitter element (Fig. 4, Ref. 54) generating a light signal which strikes said thread (Fig. 2, Ref. Y) before being sensed by the receiver element (Fig. 4, Ref. 54) which, based on this sensing, defines a characteristic of the thread (Fig. 2, Ref. Y) such as its movement or its stoppage, a dimensional defect or another dimensional characteristic (See Abstract), wherein, interposed between said light emitter element (Fig. 4, Ref. 54) and said receive element (Fig. 4, Ref. 56), light transparent means (Fig. 4, Ref. 44) which are encountered by the light signal after it has interacted with the thread (Fig. 2, Ref. Y), and which act as a thread guide, wherein said light transparent means (Fig. 4, Ref. 44) are of ceramic material (Col.

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6, lines 36-40).

**Claim 2**

Ohsawa ('958) discloses wherein said ceramic material contains at least one of the following: alumina, zirconium, sapphire, that is the ceramic material is a transparent textile ceramic (Col. 6, lines 36-40).

**Claim 3**

Ohsawa ('958) discloses that wherein said light transparent means (Fig. 4, Ref. 44) are in contact with the thread (Fig. 2, Ref. 2)(See Fig. 2).

**Claim 4**

Ohsawa ('958) discloses the light transparent means (Fig. 4, Ref. 44) comprise an at least partly annular body (See Fig. 4), the monitored thread (Fig. 2, Ref. Y) being positioned within the aperture (See Fig. 2) of this body, said body being supported by the device casing (Fig. 1, Ref. 10, 12, 80) which is shaped such as to lie at least partly about said aperture of said body of the light transparent means (Fig. 4, Ref. 44).

**Claim 5**

Ohsawa ('958) discloses casing comprises two coupled-together parts (Fig. 1, Ref. 10, 12) which retain between them the body of the light transparent means (Fig. 4, Ref. 44).

**Claim 6**

Ohsawa ('958) discloses the parts (Fig. 1, Ref. 10, 12) of its casing present opposing edges (Fig. 3, Ref. 24, 26) able to be fitted together, within said parts (Fig. 1, Ref. 10, 12) there being positioned an electrical circuit (Fig. 3, Ref. 28) presenting the at least one light emitter element (Fig. 4, Ref. 54) and the receiver element (Fig. 4, Ref. 56), this latter being connected to

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a microprocessor unit arranged to evaluate each monitored characteristic of the thread (Fig. 2, Ref. Y), in accordance with a preset algorithm on the basis of the light signal received by the receiver element (Fig. 4, Ref. 56)(Col. 8, lines 56-67).

**Claim 7**

Ohsawa ('958) further discloses-wherein the parts (Fig. 1, Ref. 10, 12) of its casing and the support (Fig. 4, Ref. 28, 28') present arms projecting from a main portion and at least partly defining the body of the light transparent means (Fig. 4, Ref. 44).

**Claim 8**

Ohsawa ('958) discloses that wherein these said arms (Fig. 4, Ref. 28, and 28') are mutually opposing and define a corridor in the casing of the device (See Fig. 4).

**Claim 9**

Ohsawa ('958) wherein on the opposing arms (Fig. 4, Ref. 28, 28') there are positioned a light transmitter element (Fig. 4, Ref. 54) and a receiver element (Fig. 4, Ref. 56) which act as an optical barrier arranged to modify, when intercepted, the activity state of the device.

**Claim 10**

Ohsawa ('958) discloses that wherein on at least one of said opposing arms (Fig. 4, Ref. 28, 28') there is positioned a light transmitter element (Fig. 4, Ref. 54) directed towards the receiver element (Fig. 4, Ref. 56).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsawa ('958).

**Claim 11**

Ohsawa ('958) discloses the claimed invention except for having multiple light emitter elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Ohsawa ('958) with the multiple light emitter since it was well known in the art that having multiple light emitters increases the area at which can be measured, therefore helping to increase the sensitivity of the measured area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Michael P. Stafira/ whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael P. Stafira/  
Primary Examiner  
Art Unit 2886

August 17, 2008